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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,582	03/17/2004	Huang-Yi Cheng	3313-1134P	2754
2292	7590	12/06/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			BOTTORFF, CHRISTOPHER	
			ART UNIT	PAPER NUMBER
			3618	
DATE MAILED: 12/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/801,582

Applicant(s)

CHENG ET AL.

Examiner

Christopher Bottorff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/17/05</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The preliminary amendment filed March 17, 2003 has been entered. Claims 1-10 are pending.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on March 17, 2004 was considered by the examiner.

#### ***Claim Objections***

Claims 1, 8, and 10 are objected to because of the following informalities: the term "extend" on line 16 of claim 1 should be "extending;" the term "have" on line 3 of claim 8 should be "having;" and the term "sear" on line 2 of claim 10 should be "seat." Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 requires "a pair of rotary members and a pair of driving members" to be included in the second linkage assembly. However, only one rotary member 82 and one driving member 81 is disclosed as being included in the second linkage assembly. See page 3, line 13 and Figure 1. Since a rotary member and driving member will be present on each of the left and right sides of the stroller, a pair will exist if the second linkage assembly is defined to comprises the linkage arrangements on both sides. However, claim 8 also requires the rotary members to be coupled with the rear wheel rack and the driving members to bridge the first linkage assembly and the rotary member, and the claim does not clearly state how the pair of driving members and pair of rotary members is coupled to the singular rear wheel rack and first linkage assembly.

For the purposes of examination, claims 8-10 are interpreted as defining a rotary member and a driving member on each side of the stroller, and each rotary member is coupled with a corresponding rear wheel rack, armrest, and driving member located on that side of the stroller. Also, claims 8-10 are interpreted as defining a driving member on each side of the stroller, and each driving member bridges a corresponding first linkage assembly and rotary member on that side of the stroller.

Claim 8, lines 3-4, also require an end of the rotary member to be "coupled" with the armrest. Throughout the claims, the recitation of two components being "coupled" corresponds to a direct attachment between the components in the disclosed invention.

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However, the rotary member of the disclosed invention is not directly attached to the armrest but to the handle tube. Consequently, the terms "couple," "coupled," and "coupling" have been broadly interpreted to include indirect connections between components, such as the indirect connection between the rotary member and armrest.

Claim 9 recites the limitation "the pivotal coupler" in line 2. There is insufficient antecedent basis for this limitation in the claim. Similarly, claim 10 recites the limitations "the front seat rack bar" and "the rear seat rack bar" on line 2. There is insufficient antecedent basis for these limitations in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Perego US 6,692,015.

Perego discloses a stroller frame structure comprising at least a front wheel rack 14 coupled with front wheels 16 of a stroller, a rear wheel rack 15 coupled with rear wheels 16 of the stroller, a handle tube 18, 19 for moving the stroller, a first linkage assembly 29, and a second linkage assembly 37. See Figure 1. The rear wheel rack

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15 is pivotally coupled with the first linkage assembly 29, via second linkage assembly 37 and member 28, and a coupling dock 46 between two ends of the rear wheel rack 15. See Figures 1, 2, and 4. The first linkage assembly 29 has a free end pivotally coupling with the front wheel rack 14 at 34 so that the front wheel rack 14 and the rear wheel rack 15 are movable relative to each other. See Figures 1 and 2. The handle tube 18, 19 is pivotally coupled with a connection element 17 between two ends of the handle tube 18, 19 to serve as an armrest of the stroller. See Figures 1 and 2. The armrest 17 has one end pivotally coupled with the front wheel rack 14 and the rear wheel rack 15. See Figure 1. See column 2, lines 15-19 and 39-56. The handle tube 18, 19 is latchable on the coupling dock 46 to form a releasable interlocking condition among the rear wheel rack 15, the armrest 17 and the handle tube 18, 19. See column 2, lines 15-19 and 39-56. The second linkage assembly 37 is coupled with the handle tube and the first linkage assembly 29, via member 28, to drive the first linkage assembly 29 when a lower end of the handle tube 18, 19 is moved to move the front wheel rack 14 and the rear wheel rack 15 close to each other in the middle for folding or extending the front wheel rack 14 and the rear wheel rack 15. See Figures 1 and 2.

Also, a release mechanism is provided, which includes an actuation member 27, a linkage member in the form of a bar 26, an elastic element 45 and a latch element 44. See Figures 1 and 3. The linkage member 26 bridges the actuating member 27 and the latch element 44. See Figures 1 and 3. The latch element 44 is latched on the coupling dock 46 through the elastic element 45 to allow the entire frame structure to form the interlocking condition. See Figures 3 and 4 and column 2, lines 50-54. The latch

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element 44 is movable away from the coupling dock 46 through the linkage member 26 driven by the actuation member 27 to collapse the frame structure in a folding condition. See Figure 3 and column 2, lines 15-19 and 50-54.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perego US 6,692,015 alone.

Perego does not disclose that the bar is made of steel. However, the examiner takes official notice that the desirability of forming stroller linkage bars of steel was known to those of ordinary skill in the art at the time the invention was made. Forming the linkage bar of Perego of steel would have been obvious to one of ordinary skill in the art at the time the invention was made. This would provide the bar with strength and reliability.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perego US 6,692,015 in view of Ishikura US 5,524,503.

Perego does not disclose the use of a remote controller with a flexible wire in place of the actuation member and bar assembly. However, Ishikura teaches the

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desirability of providing a stroller release mechanism with a remote controller 4 on a handle tube with a flexible wire 2 to actuate a latch assembly. See Figures 1 and 4-6 and column 2, lines 25-30. From the teachings of Ishikura, providing the stroller of Perego with a remote controller on the handle tube with a flexible wire, rather than the actuation member and bar assembly, would have been obvious to one of ordinary skill in the art at the time the invention was made. This would allow an operator to easily fold the stroller through a single actuator disposed in a location on the stroller that is easy for the operator to access from a comfortable standing position.

***Allowable Subject Matter***

Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art does not teach or suggest the first linkage assembly, as defined in claim 6, or the second linkage assembly, as defined in claim 8, in combination with the further limitations of the claims.



### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burnham, Perego US 3,873,116, Sparkes, Kassai US 4,435,012, Kassai US Re.31,760, Kassai US 4,759,566, Kassai US 4,779,879, Kassai US 4,817,982, Nakao et al., Kassai US 4,846,494, Kassai US 4,386,790, Kassai 4,428,598, Kettler US 5,823,564, Huang US 5,871,227, Skarnulis, Chen, Cheng US 6,464,244, Cheng US 6,485,216, Song, Lan, Iwata, Yoshie et al., Kassai GB 2 179 897 A, Spano GB 2 185 450 A, Nichtnennung DE 39 35 108 A1, and Cabagnero GB 2 285 775 A .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (571) 272-6692. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Chris Bottorff", written in a cursive style.

Christopher Bottorff